

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DARNELL MOON,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:23-cv-01522-MTS
)	
KIM BRAMLETT, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM OPINION

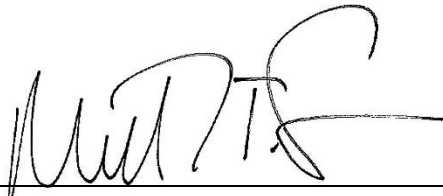
Plaintiff filed this action in the 22nd Judicial Circuit Court of Missouri in St. Louis City on September 25, 2023. After Defendants timely removed this action, they moved to have the United States substituted in their place as the defendant in this matter. *See* 28 U.S.C. § 2679(d). Plaintiff failed to timely oppose Defendants’ Motion. *See* E.D. Mo. L.R. 4.01(B). Later, though, he filed a request for extension of time to do so. Doc. [7]. Though he failed to show good cause and excusable neglect for having missed the deadline, see Federal Rule of Civil Procedure 6(b), the Court provided him twenty-one days within which he must respond to the Motion. The Court ordered that “Plaintiff shall submit a responsive brief on or before January 16, 2024.” Doc. [9].

Plaintiff failed to do as the Court ordered. Not only did he fail to file a responsive brief on or before January 16, 2024, he still has not filed one to this day—more than three weeks later. Defendants’ Motion now has been pending for more than seventy days, but Plaintiff has refused to comply with the Court’s Order and file any response. Indeed,

Plaintiff has not prosecuted his case at all since Defendants properly removed it to this Court.

Because Plaintiff has failed to prosecute his case, failed to comply with the Court's Rules and the Federal Rules of Civil Procedure, and has ignored this Court's explicit Order, the Court will dismiss Plaintiff's action. *See Omaha Indian Tribe, Treaty of 1854 with U.S. v. Tract I-Blackbird Bend Area*, 933 F.2d 1462, 1468 (8th Cir. 1991) (per curiam). The Court has been patient with Plaintiff in an effort to give him "h[is] day in court." *Id.* But balancing his conduct "against [the] policies of preventing undue delay, avoiding court congestion, and preserving respect for court procedures," the Court concludes this action should be dismissed with prejudice. Therefore, the Court will enter an Order of Dismissal contemporaneously herewith.

Dated this 9th day of February 2024.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE